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10/723,507	11/26/2003	Neil O'Connor	920673-95178	8999

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EXAMINER
PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
2454	

NOTIFICATION DATE	DELIVERY MODE
12/03/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 August 2009*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1 and 3-43* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1 and 3-43* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a) ☐ All   b) ☐ Some * c) ☐ None of:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. _____.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

The declaration filed on August 20, 2009 under 37 CFR 1.131 is sufficient to

overcome the Flockhart et al. (US 2005/0071241) reference.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 41-43 rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

As per claims 41-43, a "machine readable storage medium" is directed to

transitory and non-statutory subject matter such as signals and carrier waves.

Examiner suggest amendment "non-transitory" machine readable storage medium.

See MPEP 2106, "See, *e.g.*, *In re Nuitjen*, Docket no. 2006-1371 (Fed. Cir. Sept.

20, 2007)(slip. op. at 18)("A transitory, propagating signal like Nuitjen's is not a 'process,

machine, manufacture, or composition of matter.' . Thus, such a signal cannot be

patentable subject matter.")."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 6-15, 18-19 and 26-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delaney (US 2004/0062380) in view of Taylor et al.- hereinafter Taylor (US 5,790,642).

As per claims 1 and 41, Delaney discloses a method of distributing a contact across a network having a number of nodes (Figure 1: items 10, 12, 14, 16, 18)which are equipped to service contacts, ([0113]) comprising the steps of:

a) generating a contact information entity which is accessible across the network and which comprises information ([0116]; database updating function ... to populate a record for the remote call center) sufficient to enable each node to determine whether it has the resources to service the contact, ([0069]; handling a contact at a contact centre; [0071]; b) determining whether resources exists at the contact centre to efficiently handle the contact) one or more of said nodes being a contact center having a plurality of agents for servicing contacts, ([0037] pool of available agents) each agent having identified skills, ([0121]; the skillset matrix for an individual agent at the contact centre) whereby said contact center can determine whether its agents can service a given contact, based on said contact information entity ([0116]) and the identified skills of the contact center's agents; ([0122])

Delany fails to disclose b) assessing one or more bids issued by one or more nodes to determine a bid to be used in assigning the contact; and c) on the basis of said determination, assigning said contact to the node which issued said bid.

Taylor discloses b) assessing one or more bids issued by one or more nodes to determine a bid to be used in assigning the contact; and c) on the basis of said determination, assigning said contact to the node which issued said bid. (abstract, Col 3 lines 5-20)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Taylor to disclose b) assessing one or more bids issued by one or more nodes to determine a bid to be used in assigning the contact; and c) on the basis of said determination, assigning said contact to the node which issued said bid. The motivation for doing do would have been so that the service center with the lowest cost performs the required transmission (Col 3 lines 5-20)

As per claims 6 and 26, Delany / Taylor disclose a method as claimed in claim 1. Delany discloses a method as claimed in claim 1, wherein said contact information entity is an entry in a database ([0116]; database updating function)accessible across a network. ([0109]; Figure 1:item 24)

As per claims 7 and 27, Delany / Taylor disclose a method as claimed in claim 1. Taylor discloses wherein said bids are issued by the nodes and transmitted directly to a

resource on the network which is responsible for assessing the one or more bids. (Col

3 lines 5-20)

As per claims 8 and 28, Delany / Taylor disclose a method as claimed in claim 1.

Taylor discloses wherein said bids are issued by the nodes to an area of the network

which is accessible by a resource on the network which is responsible for assessing the

one or more bids. (Col 3 lines 5-20)

As per claims 9 and 29, Delany / Taylor disclose a method as claimed in claim 1.

Delany discloses wherein said contact information entity identifies at least one skillset

required to service the contact. ([0129]; skillset information associated with the call)

As per claims 10 and 30, Delany / Taylor disclose a method as claimed in claim

1. Taylor discloses wherein said contact information entity identifies at least one

parameter according to which bids will be assessed. (Col 9 line 66- Col 10 line 16)

As per claims 11 and 31, Delany / Taylor disclose a method as claimed in claim

10. Taylor discloses wherein said at least one parameter is selected from a cost metric,

a skillset proficiency metric, and a metric identifying the time within which the contact is

to be serviced. (Col 3 lines 5-20)

As per claims 12 and 32, Delany / Taylor disclose a method as claimed in claim 1. Taylor discloses wherein said contact information entity is a software entity which includes a set of rules according to which a bid score is returned by the contact information entity upon receipt of one or more bid values. (Col 5 lines 5-17, cost equated as a bid score)

As per claims 13 and 33, Delany /Taylor disclose a method as claimed in claim 12. Taylor disclose wherein said step of assessing one or more bids comprises evaluating the bid scores returned by the contact information entity. (Col 5 lines 18-28)

As per claim 14, Delnay / Taylor discloses a method as claimed in claim 1. Taylor discloses wherein said contact information entity is a software entity which includes executable logic according to which a bid score is returned by the contact information entity upon receipt of one or more bid values. (Col 5 lines 5-17)

As per claim 15, Delany / Taylor disclose a method as claimed in claim 14. Taylor discloses wherein the executable logic is provided as an object oriented command pattern. (Col 3 lines 39-51)

As per claim 18, Delany / Taylor disclose a method as claim in claim 1. Taylor

discloses wherein one or more of said nodes is a computer of a user ([0019]; Figure 1:

item 14) connected to the network, ([0020]; whereby said user may make a

determination as to whether he or she has the skills to service said contact

and as to whether or not to issue a bid. ([0045]; Figure 5: items 504, 512)

As per claim 19, Delany discloses a method of obtaining contacts across a

network from a contact source, comprising the steps, carried out by a contact center

having a plurality of agents for servicing contacts, ([0037]; track of the pool of available

agents)each agent having identified skills, ([0121]; the skillset matrix for an individual

agent at the contact centre)   of:

a) receiving via the network contact information which comprises information

([0116]; uses the information received at the web server to populate a record) sufficient

to enable said contact center to determine whether it has the resources to service the

contact; ([0069]; handling a contact at a contact centre; [0071]; b) determining whether

resources exists at the contact centre to efficiently handle the contact)

Delany fails to disclose b) issuing a bid to the contact source offering to service

the contact based on said information; and c) in the event that the bid is successful,

receiving the contact from the contact source.

Taylor discloses b) issuing a bid to the contact source offering to service the

contact based on said information; and c) in the event that the bid is successful,

receiving the contact from the contact source.   (abstract, lines 39-51) At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to

modify Delany to disclose b) issuing a bid to the contact source offering to service the

contact based on said information; and c) in the event that the bid is successful,

receiving the contact from the contact source. The motivation would have been so that

the service center with the lowest cost performs the required transmission (Col 3 lines

5-20)

        As per claim 34, Delany discloses a method of distributing contacts across a

network having a plurality of connected contact centres, ([0104]) each contact center

having a plurality of agents for servicing contacts, ([0037]; track of the pool of available

agents) each agent having identified skills, ([0121]; the skillset matrix for an individual

agent at the contact centre) comprising the steps of:

        a) upon receipt of a contact by a contact centre, publishing information relating to

the contact over the network; ([0136]-[0145],[0153]-[0157])

        Delany fails to disclose b) awaiting one or more bids from remote contact centres

offering to service the contact; and c) determining from said bids a destination for the

contact; and d) forwarding the contact to said destination.

        Taylor discloses b) awaiting one or more bids from remote contact centres

offering to service the contact; and c) determining from said bids a destination for the

contact; and d) forwarding the contact to said destination. (abstract, Col 3 lines 5-20)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Taylor to disclose b) awaiting one or more bids from remote contact centres offering to service the contact; and c) determining from said bids a destination for the contact; and d) forwarding the contact to said destination.

The motivation for doing do would have been so that the service center with the lowest cost performs the required transmission (Col 3 lines 5-20)

As per claim 35, Delany / Taylor disclose a method as claimed in claim 34. Taylor discloses wherein said destination is a remote contact centre which issued one or more of said bids. (Col 4 lines 10-23)

As per claim 36, Delany / Taylor disclose a method as claimed in claim 34. Taylor discloses wherein said destination is a local contact queue of the contact centre which received the contact. (Col 10 lines 24-27)

As per claim 37, Delany discloses an apparatus for distributing a contact across a network having a number of nodes (Figure 1: items 10, 12, 14, 16, 18)which are equipped to service contacts, ([0113]) comprising:

a) a contact information generator for generating a contact information entity which is accessible across the network and which comprises information ([0116]; database updating function ... to populate a record for the remote call center)sufficient to enable each node to determine whether it has the resources to service the contact,

([0069]; handling a contact at a contact centre; [0071]; b) determining whether
resources exists at the contact centre to efficiently handle the contact) one or more of
said nodes being a contact center having a plurality of agents for servicing contacts,
([0037] pool of available agents) each agent having identified skills, ([0121]; the skillset
matrix for an individual agent at the contact centre) whereby said contact center can
determine whether its agents can service a given contact, based on said contact
information entity([0116]) and the identified skills of the contact center's agents; ([0122])

Delany fails to disclose b) a bid assessment module for assessing one or more
bids issued by one or more nodes to determine a bid to be used in assigning the
contact; and c) contact assignment means for, on the basis of said determination,
assigning said contact to the node which issued said bid. Taylor discloses b) a bid
assessment module for assessing one or more bids issued by one or more nodes to
determine a bid to be used in assigning the contact; and c) contact assignment means
for, on the basis of said determination, assigning said contact to the node which issued
said bid. (abstract, Col 3 lines 5-20)

At the time the invention was made, it would have been obvious to a person of
ordinary skill in the art to modify Delany to disclose b) a bid assessment module for
assessing one or more bids issued by one or more nodes to determine a bid to be used
in assigning the contact; and c) contact assignment means for, on the basis of said
determination, assigning said contact to the node which issued said bid. The motivation
would have been so that the service center with the lowest cost performs the required
transmission (Col 3 lines 5-20)

As per claim 38, Delany discloses an apparatus for obtaining contacts across a
network from a contact source, comprising:

a) a network connection for receiving via the network contact
information; ([0104]; Figure 1: item 20)

b) an evaluation module for evaluating said contact information to
determine whether a node associated with said apparatus has the resources
to service the contact, ([0069]; handling a contact at a contact centre; [0071]; b)
determining whether resources exists at the contact centre to efficiently handle the
contact) said node being a contact center having a plurality of agents for servicing
contacts, ([0037] pool of available agents) each agent having identified skills, ([0121];
the skillset matrix for an individual agent at the contact centre) whereby said evaluation
module can determine whether the agents of the contact center can service said
contact, based on said contact information entity ([0116]) and the identified skills of the
contact center's agents; and ([0122])

Delany fails to discloses a c) a bid generation unit for issuing a bid to the contact
source offering to service the contact based on said information. Taylor discloses a bid
generation unit for issuing a bid to the contact source offering to service the contact
based on said information. (abstract, Col 3 lines 5-20

At the time the invention was made, it would have been obvious to a person of
ordinary skill in the art to modify Delany to disclose c) a bid generation unit for issuing a

bid to the contact source offering to service the contact based on said information. The

motivation for doing do would have been so that the service center with the lowest cost

performs the required transmission (Col 3 lines 5-20)

As per claims 39 and 40, Delany discloses a contact centre comprising:

a) a network connection for distributing contacts to one or more other

contact centres; ([0104]; Figure 1: item 20)

b) a contact manager for controlling contacts received at the contact

centre from one or more communications networks ([0069]; handling a contact at a

contact centre; [0071]; b) determining whether resources exists at the contact centre to

efficiently handle the contact) and distributing said contacts among a plurality of agents

based on the requirements of the contact and identified skills of the agents; ([0110])

c) a contact information generator for generating a contact information

entity ([0116]; database updating function ... to populate a record for the remote call

center)which is accessible across the network ([0109]; Figure 1:item 24) and which

comprises information sufficient to enable each node to determine whether it has the

resources to service a contact; ([0069]; handling a contact at a contact centre; [0071]; b)

determining whether resources exists at the contact centre to efficiently handle the

contact)

Delany fails to disclose d) a bid assessment module for assessing one or more

bids issued by one or more nodes to determine a bid to be used in assigning the

contact; and e) contact assignment means for, on the basis of said determination, assigning said contact to the node which issued said bid. Taylor discloses d) a bid assessment module for assessing one or more bids issued by one or more nodes to determine a bid to be used in assigning the contact; and e) contact assignment means for, on the basis of said determination, assigning said contact to the node which issued said bid. (abstract, Col 3 line 5-20)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Delany to disclose d) a bid assessment module for assessing one or more bids issued by one or more nodes to determine a bid to be used in assigning the contact; and e) contact assignment means for, on the basis of said determination, assigning said contact to the node which issued said bid. The motivation for doing do would have been so that the service center with the lowest cost performs the required transmission (Col 3 lines 5-20)

As per claim 42, Delany discloses a machine readable storaqe medium comprisinq a plurality of instructions

which when executed by a computer associated with a contact centre are effective to cause said computer to:

a) receive via the network contact information ([0116]; database updating function … to populate a record for the remote call center) which comprises information sufficient to enable a node to determine whether it has the resources to service the contact, ([0069]; handling a contact at a contact centre; [0071];

b) determining whether resources exists at the contact centre to efficiently handle the

contact)said node being a contact center having a plurality of agents for servicing

contacts, ([0037] pool of available agents) each agent having identified skills, ([0121];

the skillset matrix for an individual agent at the contact centre) whereby said evaluation

module can determine whether the agents of the contact center can service said

contact, based on said contact information entity ([0116]) and the identified skills of the

contact center's agents; ([0122])

Delany fails to disclose b) issue a bid to the contact source offering to service the

contact based on said information; and c) in the event that the bid is successful, receive

the contact from the contact source.

Taylor discloses b) issue a bid to the contact source offering to service the

contact based on said information; and c) in the event that the bid is successful, receive

the contact from the contact source. (abstract, Col 3 lines 5-20)

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to modify Delany to disclose b) issue a bid to the contact source

offering to service the contact based on said information; and c) in the event that the bid

is successful, receive the contact from the contact source. The motivation would have

been so that the service center with the lowest cost performs the required transmission

(Col 3 lines 5-20)

As per claim 43, Delany discloses a data carrier comprising a machine-readable storage medium comprising a plurality of instructions, said instructions comprising contact information and comprising:

a) information identifying a node which controls the contact; ([0115])

b) information identifying one or more characteristics of the contact, whereby said contact may be matched with an agent of a contact center having identified skills to service said contact; and ([0136]-[0145],[0153]-[0157])

Delany fails to disclose c) information identifying one or more parameters for which bids are sought by said node, such that a different node may bid to have control of the contact transferred to it.   Taylor discloses c) information identifying one or more parameters (Col 9 line 66- Col 10 line 16) for which bids are sought by said node, such that a different node may bid to   have control of the contact transferred to it. (abstract, Col 3 lines 5-20)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Delany to disclose c) information identifying one or more parameters for which bids are sought by said node, such that a different node may bid to have control of the contact transferred to it. The motivation would have been so that the service center with the lowest cost performs the required transmission (Col 3 lines 5-20)

Claims 3-4 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delaney (US 2004/0062380) / Taylor (US 5,790,642) further in view of Rowstron et al. – hereinafter Rowstron (US 6,751,619)

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As per claims 3 and 20, Delany / Taylordisclose a method as claimed in claim 1. Delany discloses wherein said contact information entity is a software object ([0158]) Delany fails to disclose a network accessible space. Rowstron discloses a network accessible space. (Col 1 lines 58-63)   At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Delany to disclose a network accessible space. The motivation would have been to fully anonymous communication, multiple address-space-disjoint processes can access tuples in the same way, and to enable time-disjoint processes to communicate seamlessly. (Col 2 lines 1-11).

As per claims 4 and 21, Delany / Taylor / Rowstron disclose a method as claimed in claim 3. Rowstron discloses wherein said network accessible space is a shared memory space, (Col 2 lines 26-33) optionally implemented using JavaSpaces™ technology (Col 2 lines 12-25)

Claims 5 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delaney (US 2004/0062380) / Taylor (US 5,790,642) / Rowstron (US 6,751,619) further in view of Robertson et al.—hereinafter Robertson (US 7,194,543)

As per claims 5 and 22, Delany / Taylor / Rowstron disclose a method as claimed in claim 3. Delany fails to disclose wherein the step of generating said contact information entity further comprises replicating said object in a plurality of said shared memory spaces. Robertson discloses wherein the step of generating said contact information entity further comprises replicating said object in a plurality of said shared memory spaces (Col 62 lines 21-64)   At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Delany to disclose wherein the step of generating said contact information entity further comprises replicating said object in a plurality of said shared memory spaces. The motivation for doing do would have been to balance resources to ensure that services are always available to match the desired work to be done. (Col 1 lines 41-67)

As per claim 23, Delany / Taylor / Rowstron / Robertson disclose a method as claimed in claim 22. Delany fails to disclose wherein said contact information entity is a JavaSpace entry and the step of receiving the contact information comprises reading said entries from a JavaSpace. Rowstron discloses wherein said contact information entity is a JavaSpace entry and the step of receiving the contact information comprises reading said entries from a JavaSpace. (Col 2 lines 32-67, Col 3 lines 51-55)   At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Delany to disclose wherein said contact information entity is a JavaSpace entry and the step of receiving the contact information comprises reading

said entries from a JavaSpace. The motivation for doing do would have been so that the creator of a tuple requires no knowledge about the future use of that tuple or its destination and because tuples are retrieved using an associative addressing scheme, multiple address-space-disjoint processes can access tuples in the same way. (Col 2 lines 54-65)

As per claim 24, Delany / Taylor / Rowstron / Robertson disclose a method as claimed in claim 23. Rowstron discloses wherein the step of issuing a bid comprises modifying said entry and writing the modified entry in a JavaSpace. (Col 7 lines 48-55)

As per claim 25, Delany / Taylor / Rowstron / Robertson disclose a method as claimed in claim 23. Delany fails to disclose wherein the step of issuing a bid comprises generating a new entry including a reference which relates the new entry to the original contact information entity, and writing the new entry to a JavaSpace. Rowstron discloses wherein the step of issuing a bid comprises generating a new entry including a reference which relates the new entry to the original contact information entity, and writing the new entry to a JavaSpace. (Col 3 lines 51-55, Col 12 lines 6-16) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Delany to disclose wherein the step of issuing a bid comprises generating a new entry including a reference which relates the new entry to the original contact information entity, and writing the new entry to a JavaSpace. The motivation for doing do would have been to improve their efficiency of execution on large, open

implementations, particularly on distributed computer systems, so that users are not

unnecessarily blocked from accessing tuples. (Col 3 lines 6-11)

    Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delaney

(US 2004/0062380) / Taylor (US 5,790,642) further in view of Ausubel et al. –

hereinafter Ausubel (US 2004/0054551).

    As per claim 16, Delaney / Taylor disclose a method as claimed in claim 1.

Delaney fails to disclose wherein said step of assessing one or more bids comprises

maintaining a single winning bid, evaluating each new bid as it issues from a node and

either discarding the new bid if it is determined to be inferior to the winning bid

according to predetermined criteria or substituting it as the new winning bid if it is

determined to be better than the previous winning bid.   Taylor discloses wherein said

step of assessing one or more bids comprises maintaining a single winning bid. (Col 3

lines 5-20) Ausubel discloses evaluating each new bid as it issues from a node and

either discarding the new bid if it is determined to be inferior to the winning bid

according to predetermined criteria or substituting it as the new winning bid if it is

determined to be better than the previous winning bid. ([0146])   At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to

modify Delaney to disclose wherein said step of assessing one or more bids comprises

maintaining a single winning bid, evaluating each new bid as it issues from a node and

either discarding the new bid if it is determined to be inferior to the winning bid

according to predetermined criteria or substituting it as the new winning bid if it is determined to be better than the previous winning bid. The motivation for doing would have been so that that the service center with the lowest cost performs the required transmission (Col 3 lines 5-20) and to give one or more bidders should be given a "last call" to change their flexible bid information. (Ausubel, [0146])

Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delaney (US 2004/0062380) / Taylor (US 5,790,642)/ Ausubel (US 2004/0054551) further in view of Wu et al. – hereinafter Wu (US 7,269,253)

As per claim 17, Delaney / Taylor / Ausubel disclose a method as claimed in claim 16. Delany fails to disclose wherein said step of assessing one or more bids comprises collecting all bids which issue within a timeout period and determining which of these bids is to be used in assigning the contact. Wu discloses wherein said step of assessing one or more bids comprises collecting all bids which issue within a timeout period and determining which of these bids is to be used in assigning the contact. (Col 13 line 64-Col 14 line 21)   At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Delany to disclose wherein said step of assessing one or more bids comprises collecting all bids which issue within a timeout period and determining which of these bids is to be used in assigning the contact. The motivation would have been to economize and save time on the bidding process (Col 13 line 64-Col 14 line 21)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag R Patel whose telephone number is (571)272-

7966. The examiner can normally be reached on Monday to Friday from 8:00AM to

4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915.

The fax phone number for the organization where this application or proceeding

is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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(toll free).

/C. R. P./
Examiner, Art Unit 2454
/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454